

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THE EUROPEAN COMMUNITY,
acting on its own behalf and on behalf of the
MEMBER STATES it has power to represent,
and the Republic of Austria, Kingdom of Belgium,
Republic of Bulgaria, Republic of Cyprus,
Czech Republic, Kingdom of Denmark,
Republic of Estonia, Republic of Finland,
French Republic, Federal Republic of Germany,
Hellenic Republic, Republic of Hungary,
Republic of Ireland, Italian Republic, Republic of Latvia,
Republic of Lithuania, Grand Duchy of Luxembourg,
Republic of Malta, Kingdom of the Netherlands,
Republic of Poland, Portuguese Republic,
Romania, Slovak Republic, Republic of Slovenia,
Kingdom of Spain, and Kingdom of Sweden, individually,

CASE NO: CV-02-5771
(NGG)(VVP)

Plaintiffs,

against-

RJR NABISCO, INC.,
R.J. REYNOLDS TOBACCO COMPANY,
(a New Jersey corporation),
RJR ACQUISITION CORP., f/k/a
NABISCO GROUP HOLDINGS CORP.,
RJR NABISCO HOLDINGS CORP.,
R.J. REYNOLDS TOBACCO HOLDINGS, INC.,
R.J. REYNOLDS GLOBAL PRODUCTS, INC.,
REYNOLDS AMERICAN INC., and
R.J. REYNOLDS TOBACCO COMPANY,
(a North Carolina corporation),

Defendants.

DECLARATION OF JOHN J. HALLORAN, JR.

Pursuant to 28 U.S.C. § 1746, I, John J. Halloran, Jr., declare and state as follows:

1. I am a member of the law firm of Speiser Krause Nolan & Granito, and co-counsel for plaintiffs in the above-captioned action. I have been a member of the bar of this Court since

1988. This Declaration is submitted in opposition to Defendants' Motion to Dismiss the Second Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

2. Attached hereto are true and correct copies of the following documents, which were cited in Plaintiffs' Memorandum of Law in Opposition to Defendants' Joint Supplemental Memorandum of Law in Support of Motion to Dismiss the Second Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6):

Exhibit 1: Shipping records for 40-foot container of cigarettes shipped by R.J. Reynolds Tobacco Company (Macon, GA), through the port of Charleston, SC, to Giovannex Internacional SA (Panama) in 2005.

Exhibit 2: Excerpt of Reynolds' Memorandum of Law in Support of Motion to Dismiss Complaint in European Community v. RJR Nabisco, Inc., 00 Civ. 6617 (NGG/VVP), Document 201 (filed March 26, 2001).

Exhibit 3: Note of the Council of the European Union, Doc. No. 15231/02 ADD 1 (Consolidated version of Exchange of Letters related the Supplemental Agreement) (Brussels, 5 December 2002), which includes the letter of Linda Jacobson, Assistant Legal Adviser, U.S. State Department to Mr. Juergen Storbeck, Director of Europol, dated November 26, 2002.

Exhibit 4: S. J. Cummins & D. P. Stewart, Office of Legal Adviser, U.S. Department of State, Digest of United States Practice in International Law, 467-469 (2002), which includes the letter of Linda Jacobson, Assistant Legal Adviser, U.S. State Department to Mr. Juergen Storbeck, Director of Europol, dated November 26, 2002.

Exhibit 5: Unreported Order in In re Methionine Antitrust Litig., MDL No. 00-1311 CRB (N.D. Cal. June 17, 2002).

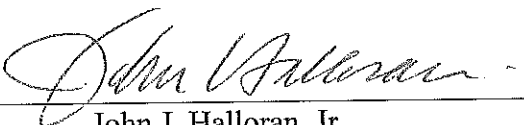
Exhibit 6: Unreported opinions and orders in Morgan v. Council of Europe, et al., 02-CV-0891 (CBA), 02-CV-1471 (CBA) (E.D.N.Y.), including: (a) Report and Recommendation of Magistrate Judge Bloom (E.D.N.Y. Aug. 16, 2002); (b) Order of Magistrate Judge Bloom (E.D.N.Y. Sep't 10, 2002); (c) Order of District Judge Amon (E.D.N.Y. Dec. 31, 2002) (adopting R&R); and (d) Order of the U.S. Court of Appeals for the Second Circuit (2d Cir. June 3, 2004) ("Morgan I").

Exhibit 7: Unreported opinion and order in Morgan v. United States, European Union, et al., 04-CV-0672 (CBA) (E.D.N.Y.), including: (a) Memorandum and Order of District Judge Amon (E.D.N.Y. Feb. 26, 2004); and (b) Order of the U.S. Court of Appeals for the Second Circuit (2d Cir. Aug. 3, 2004) ("Morgan II").

Exhibit 8: Excerpt of transcript of proceedings before the Honorable Nicholas G. Garaufis, United States District Court, Eastern District of New York, on October 26, 2010, in the above-captioned action.

This declaration is submitted under 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: December 20, 2010
New York, New York


John J. Halloran, Jr..